REMARKS

Reconsideration and allowance are requested.

Applicant expressly hereby withdraws the Terminal Disclaimer filed October 14, 2009 as the Disclaimer references the Bremer et al. 6,402,932 in error, without deceptive intent. There was no rejection over this patent under the judicially created doctrine of obviousness-type double patenting as pointed out by the Examiner on pages 6-7 of the office action. Moreover, in the last line of page 6 of the office action, the Examiner refers to U.S. Patent "6,420,932" which has nothing to do with the present case.

To simplify issues on Appeal, Applicant respectfully requests an expedited Response from the Examiner.

Claims 178-183, 186-188 and 204 are patentable under 35 U.S.C. 102(b) over Bremer et al. (U.S. Patent 6,402,932).

The Examiner relies on and quotes 35 U.S.C. 102(b) on page 2 in the rejection of the claims. As correctly quoted by the Examiner, 35 US.C. 102(b) provides:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States. (emphasis added).

Thus, the statute requires that publications, patents, public uses and sales must occur "more than one year prior to the date of application for patent in the United States" in order to bar a patent under 35 U.S.C. 102(b).

The earliest effective filing date of the present application is June 10, 2003. The publication date of the cited Bremer Patent 6,402,932 is June 11, 2002. Therefore, the Bremer publication date

is "less than one year before" the filing date of the present application. Thus, Bremer is not available as a valid reference against the present claims to substantiate a 35 U.S.C. 102(b) rejection.

Withdrawal of the rejection and allowance are respectfully requested.

Claims 184, 185, 192-203,205 and 206 are patentable under 35 U.S.C. 103(a) over Bremer et al. (U.S. Patent 6,402,932) in view of Carson et al. (WO 03/031343).

As pointed out above, Bremer is not available as a reference against the present claims. Also, the cited references and the present application are owned by the same Applicant by virtue of respective assignments recorded in each of the cases.

Since al the rejections rely on Bremer as a primary references and since Bremer is not available, therefore the rejections are rendered untenable, making all the claims allowable.

For these additional reasons, and for the reasons set forth regarding the rejection of Claim 178, the rejection of all the Claims under 35 U.S.C. 103(a) as being obvious over Bremer and Carson is also improper, and should be withdrawn.

Claim 178 is patentable under the judicially created doctrine of obviousness-type double patenting.

This issue is being addressed by a duly executed Terminal Disclaimer, Form 37 CFR 3.73(b), and the required fee being concurrently filed with this Response.

Entry of the Terminal Disclaimer, withdrawal of the rejections, and allowance are respectfully requested.

CONCLUSION

Reconsideration and allowance are respectfully requested.

Respectfully,

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